

Chief Clerk of the House

FILED MAR 11 2005

By: Robert R. Puente

H. B. No. 2914

A BILL TO BE ENTITLED

AN ACT

relating to requirements and permits for irrigation systems.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 401, Local Government Code, is amended  
by adding Section 401.005 to read as follows:

Sec. 401.005. IRRIGATION SYSTEMS. (a) To protect the  
public health, safety, and welfare, a municipality with a  
population of 5,000 or more by ordinance shall require an  
installer of an irrigation system to obtain a permit before  
installing a system within the territorial limits or  
extraterritorial jurisdiction of the municipality.

(b) The ordinance shall include minimum standards and  
specifications for designing, installing, and operating  
irrigation systems in accordance with Section 1903.0535,  
Occupations Code, and any rules adopted by the Texas Commission  
on Environmental Quality or its successor agency under that  
section.

(c) A municipality may employ or contract with a licensed  
plumbing inspector or a registered irrigator to enforce the  
ordinance.

SECTION 2. Subchapter B, Chapter 1903, Occupations Code,  
is amended by adding Sections 1903.0535 and 1903.0536 to read as  
follows:

Sec. 1903.0535. IRRIGATION SYSTEM REQUIREMENTS: NEW

1 SYSTEMS. (a) Notwithstanding Section 1903.053, an irrigation  
2 system installed on or after January 1, 2007, must meet the  
3 requirements of this section.

4 (b) An irrigation system must have:

5 (1) pressure regulation components if the operating  
6 pressure at the sprinkler head, emitter, or watering outlet  
7 exceeds the manufacturer's recommended operating range;

8 (2) check valves on each sprinkler head if an  
9 elevation differential may cause more than minimal head  
10 drainage; and

11 (3) adjustable flow controls on zone valves and on  
12 the master valve.

13 (c) The zone valves and zones of an irrigation system must  
14 be separated based on water use so that areas that have plants  
15 with different watering requirements can be watered  
16 independently.

17 (d) The emission devices within an irrigation system zone  
18 must:

19 (1) have matched precipitation rates; and

20 (2) be installed in a manner that meets the needs of  
21 the plant material at maturity.

22 (e) An irrigation system zone may have more than one type  
23 of emission device.

24 (f) The sprinkler heads of an irrigation system must be  
25 spaced:

26 (1) in a manner that provides for a minimum of head  
27 to head coverage; or

1           (2) according to the manufacturer's recommendation.

2           (g) An irrigation system must be designed for zero runoff.  
3 The system must be designed so that a sprinkler arc does not  
4 pass across a paved area. The commission may impose  
5 requirements regarding irrigating near sidewalks, bike paths,  
6 and other impervious surfaces.

7           (h) An irrigation system must have an automatic irrigation  
8 controller capable of dual or multiple programming. The  
9 controller must:

10           (1) have at least three start times for each  
11 irrigation program;

12           (2) contain a water budgeting feature;

13           (3) be programmable to irrigate with a frequency of  
14 every one to seven days; and

15           (4) have a method to allow rain detection, automatic  
16 delay, and suspension or termination of the irrigation cycle.

17           (i) An automatic irrigation controller that controls  
18 electrically activated valves must have a rain shut-off switch  
19 or other similarly effective technology installed. The  
20 commission may exempt areas of the state that receive less than  
21 10 inches of annual average precipitation from this requirement.

22           (j) An irrigation system for a nonresidential property in  
23 an area of the state where freezing occurs frequently, as  
24 determined by the commission, must have a freeze sensor.

25           (k) The commission shall set appropriate soil depth  
26 coverage for pipes and valves for freeze protection and for  
27 maintenance and service practices.

1       (l) An irrigation system for a property other than a  
2 single-family residential property, as defined by the  
3 commission, may not spray water on a median, buffer strip  
4 between a sidewalk and a street or between a sidewalk and a  
5 parking lot, or parking lot island that is less than four feet  
6 wide.

7       (m) An irrigation system for a single-family residential  
8 property, as defined by the commission, may irrigate the area  
9 between a sidewalk and a street in the manner determined by the  
10 commission.

11       (n) An installer shall provide the owner of an irrigation  
12 system with:

13           (1) an efficient watering schedule by season or month  
14 based on 80 percent of historic evapotranspiration or an  
15 alternative method determined by the commission; and

16           (2) any other information as determined by the  
17 commission.

18       (o) An installer shall offer to provide, and shall provide  
19 on request, the owner of an irrigation system for residential  
20 property with an as-built plan of the irrigation system that  
21 shows, at a minimum, the location of the mainlines, valves, and  
22 sprinkler heads.

23       (p) An installer shall provide the owner of an irrigation  
24 system for nonresidential property with an as-built plan of the  
25 irrigation system that shows, at a minimum, the location of the  
26 mainlines and valves.

27       (q) The commission by rule may:

1           (1) adopt other requirements that the commission  
2 determines would increase the efficiency of an irrigation  
3 system; and

4           (2) require the use of new advanced technology to  
5 accomplish the purposes of this section.

6       Sec. 1903.0536. IRRIGATION SYSTEM REQUIREMENTS: EXISTING  
7 SYSTEMS. Notwithstanding Section 1903.053, an owner of an  
8 irrigation system installed before January 1, 2007, that has an  
9 automatic irrigation controller that controls electrically  
10 activated valves must have a rain shut-off switch or other  
11 similarly effective technology installed not later than June 1,  
12 2008. The commission may exempt areas of the state that receive  
13 less than 10 inches of annual average precipitation from this  
14 requirement.

15       SECTION 3. Not later than June 1, 2006, the Texas  
16 Commission on Environmental Quality shall adopt the rules  
17 necessary to implement Section 1903.0535, Occupations Code, as  
18 added by this Act, to take effect January 1, 2007.

19       SECTION 4. Not later than January 1, 2007, a municipality  
20 with a population of 5,000 or more shall adopt an ordinance  
21 under Section 401.005, Local Government Code, as added by this  
22 Act.

23       SECTION 5. This Act takes effect September 1, 2005.

24

# HOUSE COMMITTEE REPORT

1<sup>st</sup> Printing

05 APR 29 PM 5:42  
HOUSE OF REPRESENTATIVES

By: Puente

H.B. No. 2914

Substitute the following for H.B. No. 2914:

By: Puente

C.S.H.B. No. 2914

A BILL TO BE ENTITLED

AN ACT

relating to requirements and permits for irrigation systems.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 401, Local Government Code, is amended by adding Section 401.006 to read as follows:

Sec. 401.006. IRRIGATION SYSTEMS. (a) A municipality with a population of 5,000 or more by ordinance shall require an installer of an irrigation system:

(1) to hold a license issued under Section 1903.251, Occupations Code; and

(2) to obtain a permit before installing a system within the territorial limits or extraterritorial jurisdiction of the municipality.

(b) The ordinance shall include minimum standards and specifications for designing, installing, and operating irrigation systems in accordance with Section 1903.053, Occupations Code, and any rules adopted by the Texas Commission on Environmental Quality under that section.

(c) A municipality may employ or contract with a licensed plumbing inspector or a licensed irrigator to enforce the ordinance.

(d) This section does not apply to an on-site sewage disposal system, as defined by Section 366.002, Health and Safety Code.

SECTION 2. Section 1903.053(b), Occupations Code, is amended to read as follows:

(b) The commission shall ~~may~~ adopt:

(1) standards relating to:

(A) the design, installation, and operation of  
~~for~~ irrigation systems;

(B) [that include] water conservation; and

(C) the duties and responsibilities of licensed  
irrigators; and

(2) rules that provide for effective enforcement of  
those standards~~[, irrigation system design and installation, and~~  
~~compliance with municipal codes]~~.

SECTION 3. Not later than June 1, 2006, the Texas Commission on Environmental Quality shall adopt rules as required by Section 1903.053, Occupations Code, as amended by this Act, to take effect January 1, 2007.

SECTION 4. Not later than January 1, 2007, a municipality with a population of 5,000 or more shall adopt an ordinance under Section 401.006, Local Government Code, as added by this Act.

SECTION 5. This Act takes effect September 1, 2005.

COMMITTEE REPORT

The Honorable Tom Craddick  
Speaker of the House of Representatives

4/20/05  
(date)

Sir:

We, your COMMITTEE ON NATURAL RESOURCES  
to whom was referred HB 2914 have had the same under consideration and beg to report  
back with the recommendation that it

( ) do pass, without amendment.  
( ) do pass, with amendment(s).  
(X) do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.  
(X) yes ( ) no A fiscal note was requested.  
( ) yes (X) no A criminal justice policy impact statement was requested.  
( ) yes (X) no An equalized educational funding impact statement was requested.  
( ) yes (X) no An actuarial analysis was requested.  
( ) yes (X) no A water development policy impact statement was requested.  
( ) yes (X) no A tax equity note was requested.  
( ) The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars.

For Senate Measures: House Sponsor \_\_\_\_\_

Joint Sponsors: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

Co-Sponsors: \_\_\_\_\_

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Puente, Chair	X			
Callegari, Vice-chair				X
Bonnen	X			
Campbell				X
Geren	X			
Hardcastle	X			
Hilderbran	X			
Hope	X			
Laney	X			

Total      7      aye  
                 0      nay  
                 0      present, not voting  
                 2      absent

M H ANT  
CHAIR



## **BILL ANALYSIS**

C.S.H.B. 2914  
By: Puente  
Natural Resources  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

With few exceptions, irrigation systems are installed without any local permitting or inspection requirements, leaving consumers unprotected from systems that are poorly designed or that use excessive amounts of water.

This bill would require certain municipalities to license installers of irrigation systems and require a permit before installing an irrigation system, based on certain minimum standards and specifications, to assure that irrigation systems are installed so that water is used efficiently in irrigating landscapes.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Commission on Environmental Quality in SECTION 1 (Section 401.006, Local Government Code), SECTION 2 (Sec. 1903.053(b), Occupations Code) and SECTION 3 (transitional language) of this bill.

### **ANALYSIS**

C.S.H.B. 2914 requires a municipality with a population of 5,000 or more, by ordinance, to require an installer of an irrigation system to hold a license issued under Section 1903.251, Occupations Code and to obtain a permit before installing a system within the territorial limits or extraterritorial limits of the municipality.

The ordinance shall include certain minimum standards and specifications as adopted by the TCEQ for designing, installing and maintaining irrigation systems in accordance with Sec. 1903.053, Occupations Code and any rules adopted by TCEQ under that section.

The committee substitute also clarifies that the proposed changes to section 401.006, Local Government Code do not apply to an on-site sewage disposal system, as defined by Sec. 366.002, Health and Safety Code.

The municipality may employ or contract with a licensed plumbing inspector or a licensed irrigator to enforce the ordinance.

C.S.H.B. 2914 also provides that, pursuant to Sec. 1903.053(b), Occupations Code, the TCEQ shall adopt standards relating to the design, installation, and operation of irrigation systems, the duties and responsibilities of licensed irrigators and rules that provide for effective enforcement of those standards.

The committee substitute provides that not later than June 1, 2006, the TCEQ shall adopt rules as required by Section 1903.053, Occupations Code, as amended by this Act, to take effect January 1, 2007. Not later than January 1, 2007, a municipality with a population of 5,000 or more shall adopt an ordinance under Sec. 401.006, Local Government Code, as added by this Act.

### **EFFECTIVE DATE**

September 1, 2005.

### **COMPARISON OF ORIGINAL TO SUBSTITUTE**

H.B. 2914, as filed, provided specific irrigation system requirements in the Act. C.S.H.B. 2914, however, specifically directs the TCEQ to adopt standards and rules relating to specific system requirements.

The committee substitute also clarifies that new Sec. 401.006, Local Government Code, requiring certain municipalities to adopt an ordinance regarding irrigation systems does not apply to an on-site sewage disposal system, as defined by Section 366.002, Health and Safety Code.

## SUMMARY OF COMMITTEE ACTION

HB 2914

April 11, 2005      2:00PM      or upon final adjourn./recess

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Considered in public hearing

Committee substitute considered in committee

Testimony taken in committee (See attached witness list.)

Left pending in committee

April 20, 2005      upon final adjourn./recess

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Considered in formal meeting

Committee substitute considered in committee

Reported favorably as substituted

3  
x

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WITNESS LIST

HB 2914  
HOUSE COMMITTEE REPORT  
Natural Resources Committee

April 11, 2005 - 2:00PM or upon final adjourn./recess

For: Baker, Carole D. (Self)  
Finch, PhD, Calvin R. (San Antonio Water System)  
Goodwin, Doug (Self)  
Lewis, Jerry (Self and Lone Star Irrigation  
Association)  
Montalvo, Romeo (Self)  
Single, Glenda (Self and Houston Gulf Coast Irrigation  
Association)  
Stewart, Karen (City of Austin)  
Suchecky, Ron (Texas On-Site Waste Water Association)

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION**

**April 23, 2005**

**TO:** Honorable Robert Puente, Chair, House Committee on Natural Resources

**FROM:** John S. O'Brien, Deputy Director, Legislative Budget Board

**IN RE:** HB2914 by Puente (Relating to requirements and permits for irrigation systems. ),  
**Committee Report 1st House, Substituted**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would amend Chapter 401, Local Government Code, by adding a section requiring a municipality with a population of 5,000 or more to require, by ordinance, an installer of an irrigation system to hold a license issued under Section 1903.251, Occupations Code, and to obtain a permit before installing a system. The ordinance must include the standards set out in Section 1903.053 and any rules adopted by the Texas Commission on Environmental Quality (TCEQ). The municipality may employ or contract with a licensed plumbing inspector or a licensed irrigator to enforce the ordinance. Additionally, the bill would amend Section 1903.053(b), Occupations Code, to require a commission to adopt standards relating to the design, installation, and operation of irrigation systems, water conservation, and the duties and responsibilities of licensed irrigators and to adopt rules that provide for effective enforcement of those standards. Under current statute, this requirement is optional.

TCEQ would be required to adopt rules as required by provisions of the bill by June 1, 2006. A municipality with a population of 5,000 or more would be required to adopt an ordinance as proposed by January 1, 2007.

The bill would take effect September 1, 2005.

TCEQ reports that the provisions of the bill can be implemented using existing resources.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 582 Commission on Environmental Quality

**LBB Staff:** JOB, WK, DLBa

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION**

**April 8, 2005**

**TO:** Honorable Robert Puente, Chair, House Committee on Natural Resources

**FROM:** John S. O'Brien, Deputy Director, Legislative Budget Board

**IN RE: HB2914** by Puente (Relating to requirements and permits for irrigation systems.), As  
**Introduced**

<b>No significant fiscal implication to the State is anticipated.</b>
---

The bill would amend Chapter 401, Local Government Code, by adding a section requiring a municipality with a population of 5,000 or more to require, by ordinance, an installer of an irrigation system to obtain a permit before installing a system. The ordinance must include the standards set out in Section 1903.0535 and any rules adopted by the Texas Commission on Environmental Quality (TCEQ). The municipality may employ or contract with a licensed plumbing inspector or a registered irrigator to enforce the ordinance. Additionally, the bill would amend Chapter 1903, Occupations Code, by adding a section establishing minimum standards for new and existing irrigation systems. The bill would take effect September 1, 2005.

TCEQ reports that the provisions of the bill can be implemented using existing resources.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 582 Commission on Environmental Quality

**LBB Staff:** JOB, WK, DLBa

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H.B. No. 2914

A BILL TO BE ENTITLED  
AN ACT

By

Robert R. Preme

relating to requirements and permits for irrigation  
systems.

MAR 11 2005

Filed with the Chief Clerk

MAR 17 2005

Read first time and referred to Committee on

Natural Resources

APR 20 2005

Reported favorably (as substituted)

MAY 02 2005

Sent to Committee on (Calendars)

Read second time (comm. subst.) (amended); passed to third reading (failed) by a (non-record vote)  
(record vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting)

Constitutional rule requiring bills to be read on three several days suspended (failed to suspend)  
by a vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting

Read third time (amended); finally passed (failed to pass) by a (non-record vote)  
(record vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting)

Engrossed

Sent to Senate

CHIEF CLERK OF THE HOUSE

OTHER HOUSE ACTION:

Received from the House

Read and referred to Committee on

Reported favorably

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time

Ordered not printed

Laid before the Senate

Senate and Constitutional Rules to permit consideration suspended by (unanimous consent)  
(\_\_\_\_\_ yeas, \_\_\_\_\_ nays)

Read second time, \_\_\_\_\_, and passed to third reading by (unanimous consent)  
(a viva voce vote)  
(\_\_\_\_\_ yeas, \_\_\_\_\_ nays)

Senate and Constitutional 3 Day Rules suspended by a vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays

Read third time, \_\_\_\_\_, and passed by a (viva voce vote)  
(\_\_\_\_\_ yeas, \_\_\_\_\_ nays)

Returned to the House

SECRETARY OF THE SENATE

OTHER SENATE ACTION:

\_\_\_\_\_ Returned from the Senate (as substituted)  
(with amendments)

\_\_\_\_\_ House concurred in Senate amendments by a (non-record vote)  
(record vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting)

\_\_\_\_\_ House refused to concur in Senate amendments and requested the appointment of a conference committee  
by a (non-record vote) (record vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting)

\_\_\_\_\_ House conferees appointed: \_\_\_\_\_, Chair; \_\_\_\_\_,  
\_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_ Senate granted House request. Senate conferees appointed: \_\_\_\_\_, Chair;  
\_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_ Conference committee report adopted (rejected) by the House by a (non-record vote)  
(record vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting)

\_\_\_\_\_ Conference committee report adopted (rejected) by the Senate by a (viva voce vote)  
(record vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays)

05 APR 29 PM 5:42  
HOUSE OF REPRESENTATIVES